

  
**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

D.B. Civil Writ Petition No. 16189/2023

1. Chandan Singh S/o Sumer Singh, Aged About 29 Years, R/o Nichala Ka Vas, Bujhawar, Post Doli, Tehsil Luni, District Jodhpur (Adhar Card No. 8469-3497-9123).
2. Chhatar Singh S/o Kishore Singh, Aged About 54 Years, R/o Nichala Ka Vas, Bujhawar, Post Doli, Tehsil Luni, District Jodhpur (Adhar Card No. 6117 0894 1211).

-----Petitioners

Versus

1. State Of Rajasthan, Through Secretary, Department Of Revenue, Government Of Rajasthan, Jaipur.
2. District Collector, Jodhpur.
3. Jodhpur Development Authority Jodhpur, Through Its Commissioner.
4. Marwar Muslim Education Society, Pal Link Road, Jodhpur Through Its Secretary.
5. Pinjara Kom Vikas Samiti, Through Its President Mohd. Aslam, Address At 8, Mahindra Complex, Bombay Motor Circle, Jodhpur
6. Kom Saudagran (Ansari Vikas Samiti), Jodhpur, Through Its President Saied Ansari, Address At Madarsa Bazm Ahabab, Mohalla Saudagran, Jodhpur
7. Shekh Neelgar Muslim Dhobi Samaj Welfare Society, Through Its President Ahsan Address At 799, Behind Ten Shops, Chaupasani Road, Jodhpur
8. Anjuman Kom, Nagori Silawata (Vikas Panchayat Jodhpur), Through Its President Silawato Ka Bas, Jodhpur
9. Kom Merti Silawtan, Vikas Samiti, Jodhpur, Through Its President Merti Silawato Ka Bas, Jodhpur
10. Mazhlis Hamdardane Kom Merti Silwatan, Jodhpur, Through Its President Merti Silawato Ka Bas, Jodhpur
11. Jamat-E-Mansuri Nadaf (Pinjara) Yuva Samajik Sansthan, Jodhpur, Through Its President Address At Marwar Muslim Education Welfare Society, Pal Link Road, Jodhpur
12. Marwar Muslim Ghoshi Samaj Yuva Society, Jodhpur, Through Its President Address At Marwar Muslim Education Welfare Society, Pal Link Road, Jodhpur
13. Jamiyatal Quresh Jodhpur Society, Through Its President Quresh Nagar, Jodhpur
14. Kom Chobdaran Vikas Samiti, Jodhpur, Through Its President Address At Marwar Muslim Education Welfare Society, Pal Link Road, Jodhpur
15. Kom Jamiyat Modiyan Samiti Jodhpur, Through Its President Address At Marwar Muslim Education, Welfare Society, Pal Link Road, Jodhpur

16. Muslim Jamat Nagori Teli Samaj Jodhpur, Through Its President Address At Marwar Muslim Education Welfare Society, Pal Link Road, Jodhpur
17. Kom Bhisti Deswala Beda Anjuman Samiti, Jodhpur, Through Its President Address At Marwar Muslim Education Welfare Society, Pal Link Road, Jodhpur
18. New Aam Karigran Bandukiya, Lohar Samajik Samiti, Jodhpur, Through Its President Loharo Ka Bas, Ghas Mandi, Jodhpur
19. Jodhpur Chipa Vikas Yuva Samiti, Through Its President Address At Khanda Falsa, Jodhpur
20. Marwar Shekh Saied Mugal Pathan Vikas Samiti, Through Its President Address At Marwar Muslim Education Welfare Society, Pal Link Road, Jodhpur
21. Jamiyat-Ur-Raien/kunzada/mewa Fros Welfare Society, Through Its President Address At Marwar Muslim Education Welfare Society, Pal Link Road, Jodhpur
22. Kom Nagari Teliyan Yuva Vikas Samiti, Jodhpur, Through Its President Address At Marwar Muslim Education Welfare Society, Pal Link Road, Jodhpur
23. Kom Nagori Teliyan Samiti, Through Its President Address At Marwar Muslim Education Welfare Society, Pal Link Road, Jodhpur
24. Excellent Siksha Sansthan Shvanshi Gate, Jodhpur, Through Its President Address At Marwar Muslim Education Welfare Society, Pal Link Road, Jodhpur
25. Kom Kharadiya (Panchayat) Vikas Samiti, Jodhpur, Through Its President Address At Marwar Muslim Education Welfare Society, Pal Link Road, Jodhpur
26. Mew Welfare Society Jodhpur, Through Its President Address At Marwar Muslim Education Welfare Society, Pal Link Road, Jodhpur
27. Anjuman Kom Rangrejan Jodhpur, Through Its President Address At Marwar Muslim Education Welfare Society, Pal Link Road, Jodhpur
28. Kom Muslim Mochiyan (Rehmani) Sewa Samiti Jodhpur, Through Its President Address At Marwar Muslim Education Welfare Society, Pal Link Road, Jodhpur
29. Chadwa (Chundrigarh) Welfare Society, Through Its President Address At Khanda Falsa, Jodhpur
30. Lohar Biradran Jaipuriya Vikas Sansthan, Through Its President Address At Marwar Muslim Education Welfare Society, Pal Link Road, Jodhpur
31. Kabadiya Vikas Mohalla Samiti, Jodhpur, Through Its President Address At Kabadiyo Ka Mohalla, Jodhpur
32. Bright Future Welfare And Education Society, Through Its President Address At Marwar Muslim Education Welfare Society, Pal Link Road, Jodhpur

33. Bismila Siksha Sansthan, Sindhi Nagar Kapada, Through Its President Address At Sindhi Nagar, Tehsil Bilada, District Jodhpur
34. Madarasa Jamiyan Abu Bakar, Siddiqi Sansthan, Village Mokla Bas, Tehsil And District Jodhpur Through Its President
35. Daru-Ulam Falai Darain Sanstha, Through Its Secretary Address At Nai Sadak, Jodhpur
36. Muslman Moyala Kumar Vikas Yuva Samiti, Through Its Secretary Address At Marwar Muslim Education Welfare Society, Pal Link Road, Jodhpur
37. National Mirasi Samaj, Through Its Secretary Address At Marwar Muslim Education Welfare Society, Pal Link Road, Jodhpur
38. Faqir Shah Samaj Vikas Samiti, Through Its Secretary Address At Marwar Muslim Education Welfare Society, Pal Link Road Jodhpur

----Respondents

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For Petitioner(s) : Mr. Moti Singh

For Respondent(s) :

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**HON'BLE MR. JUSTICE VIJAY BISHNOI**  
**HON'BLE MR. JUSTICE YOGENDRA KUMAR PUROHIT**

**Order**

**13/10/2023**

Learned counsel for the petitioners has submitted that DB Civil Writ Petition No.8642/2023 was filed on behalf of Sri Kalimata Mandir (Matagal) Vikas and Sewa Samiti Trust Village Bujhawad, whereby the petitioners have claimed that the land of Khasra Nos.36 and 432/38 of village Bujhawad may not be allotted to the Marwar Muslim Education Welfare Society as land around 140 Bigha has already been allotted to it in Khasra No.38 of Village Bujhawad but despite mandatory condition of allotment, no construction has been raised by it within time. It is further submitted that on 25.07.2023, by issuing notices to the respondents, this Court has

stayed further allotment of land of Khasra Nos.36 and 432/38 of village Bujhawad in favour of respondent No.4.

It is submitted that prior to that, Marwar Muslim Education Welfare Society had written a letter to the Hon'ble Chief Minister on 17.07.2023 and recommended for allotment of land to various societies of a particular community for the purpose of construction of Nayati Nohras (community building). Immediately on 18.07.2023, the Jodhpur Development Authority has prepared an agenda note regarding allotment of the land of Khasra No.18 to the societies belonging to a particular community and on 19.07.2023 has recommended for allotment of land for the purpose of construction of Nayati Nohras (community building). It is submitted that immediately thereafter, the recommendation for allotment was sent to the State Government and the State Government has approved the same vide (Annex.-20) dated 30<sup>th</sup> September, 2023.

It is argued that none of the community members of the societies of a particular community are residing in Village Bujhawad. It is also submitted that all the aforesaid societies are situated in Jodhpur city and they have nothing to do with village Bujhawad. Learned counsel for the petitioners has further submitted that as a matter of fact, the land allotted to various societies in Khasra No.18, is adjacent to the land already allotted to the Marwar Muslim Education Welfare Society, therefore, it has recommended for allotment of the land to the above-referred societies so as to grab the said land for its purposes. It is also submitted that the Jodhpur Development Authority has no

jurisdiction to allot land in question for the purpose of construction of Nayati Nohras or Community Centers.

Issue notice. Issue notice of stay petition as well.

Notices are made returnable on 6.12.2023.

In the meantime, effect and operation of the order dated 30.09.2023 issued by the Urban Development and Housing Department, Government of Jaipur, granting approval of the land in favour of respondent Nos.17, 7, 6, 5, 12, 34, 27, 36, 20, 8, 30, 18, 35 and 38, shall remain stayed.

**(YOGENDRA KUMAR PUROHIT),J**

**(VIJAY BISHNOI),J**

8-Arun/-